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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,134	07/11/2003	Sylvain Desilets	P07690US01/RFH	1436
881	7590	05/08/2006	EXAMINER	
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			FELTON, AILEEN BAKER	
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### *Response to Amendment*

1. The reply filed on 2/21/2006 is not fully responsive to the prior Office Action because: The amendment filed on 11/17/2005 which amends all claims such that they are now drawn to a nonelected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP 821.03). The remaining claims are not readable on the elected invention because Applicant has elected carbon black powder as the energetic material in the response filed on 6/8/2005. Thus, the amendment is nonresponsive because it amends all the claims to include black powder as the energetic material. Applicant has argued that he did not intend carbon black powder as the energetic material but this is not persuasive in light of the election made on 6/8/2005. Further, the reference to "Grade 7" is not sufficient since it only appears by "carbon black powder" in one place in the specification. The other occurrences merely say "carbon black powder" which is completely different than black powder. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE

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(5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aileen Felton whose telephone number is 571.272.6875.

The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571.272.1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Aileen Felton*  
*Primary Examiner*